



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,016	11/14/2003	Clifford L. Wolfe	211-01 US	8386

25319 7590 08/18/2005

FREEDMAN & ASSOCIATES
117 CENTREPOINTE DRIVE
SUITE 350
NEPEAN, ONTARIO, K2G 5X3
CANADA

EXAMINER

GREENHUT, CHARLES N

ART UNIT PAPER NUMBER

3652

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,016

Applicant(s)

WOLFE, CLIFFORD L.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

I. Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following elements must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

1.1. The “electric motor” in claims 5 and 6.

1.2. The “hydraulic cylinders” in claim 1.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

II. Claim Objections

Art Unit: 3652

1. Claims 2, 4, 6, and 17 are objected to because the term “comprising” in the preamble should read “further comprising”.

III. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-4, 6, 10, 12-19 is/are rejected under 35 U.S.C. 102(b) as being anticipated by McFARLAND (US 4,616,972).

- 1.1. With respect to claim 1, McFARLAND discloses a horizontally movable load platform, a base, a lift support base, a right and left lift actuator, a right and left gear mechanism, the lift support disposed in proximity to the rear door and substantially vertical in the interior position (Figs. 1-4).

- 1.2. With respect to claim 2, McFARLAND additionally discloses an extension unit.

- 1.3. With respect to claim 3, McFARLAND additionally discloses the left and right gear mechanisms connected to the left and right sides of the extension unit.

- 1.4. With respect to claim 4, McFARLAND additionally discloses a toothed gear drive.

- 1.5. With respect to claim 6, McFARLAND additionally discloses a horizontal drive mechanism.

- 1.6. With respect to claim 10, McFARLAND additionally discloses wheels (32) and manually movable (Col. 6 Li. 19).

- 1.7. With respect to claim 12, McFARLAND additionally discloses a first lever connected to the base, a second lever pivotally connected to the first lever and the extension unit, a third lever pivotally connected to the extension unit and lift actuator, and a fourth lever pivotally connected to the first lever and lift actuator (Fig. 13).
- 1.8. With respect to claim 13, McFARLAND additionally discloses a lift actuator support.
- 1.9. With respect to claim 14, McFARLAND additionally discloses the lift support disposed in proximity to an upper inclined portion of the rear opening.
- 1.10. With respect to claim 15, McFARLAND discloses disposing a load platform supported by a lift support base behind a rear bumper with the platform in close proximity to the ground, the lift support base mechanically connected at the left and right to a left and right actuator the actuators connected to gear mechanisms, the base attached to the vehicle floor, disposing the load on the platform, using the actuators to move the platform, moving the platform through the rear door of the vehicle to a position where the platform is substantially vertical.
- 1.11. With respect to claim 16, McFARLAND additionally discloses left and right gear mechanisms connected to an extension unit.
- 1.12. With respect to claim 17, McFARLAND additionally discloses translating the extension unit to a position within the vehicle.
- 1.13. With respect to claim 18, McFARLAND additionally discloses the load platform moved onto the extension unit (Fig. 4).

1.14. With respect to claim 19, McFARLAND additionally discloses the base located in proximity to the rear door and substantially vertical.

IV. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 5 and 7 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over McFARLAND in view of BOURDAGE (US 4,907,936)

1.1. With respect to claim 5, McFARLAND additionally teaches an electric motor (Col. 6 Li. 6). McFARLAND fails to teach the motor powered by the vehicle battery. BOURDAGE teaches the motor powered by the vehicle battery. It would have been obvious to one of ordinary skill in the art to modify McFARLAND with the battery as the power source of BOURDAGE in order to supply current to the motor from a mobile source.

1.2. With respect to claim 7, McFARLAND additionally teaches an electric motor (Col. 6 Li. 6). McFARLAND fails to teach the motor powered by the vehicle battery. BOURDAGE teaches the motor powered by the vehicle battery. It would have been obvious to one of ordinary skill in the art to modify McFARLAND with the battery as the power source of BOURDAGE in order to supply current to the motor from a mobile source.

Art Unit: 3652

2. Claim(s) 8 and 9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over McFARLAND in view of BOURDAGE and further in view of WOLFE (US 5,052,879).

2.1. With respect to claim 8, McFARLAND additionally teaches a chain drive.

McFARLAND fails to teach a toothed rack. WOLFE teaches a toothed rack (6). It would have been obvious to one of ordinary skill in the art to modify McFARLAND in view of BOURDAGE with the toothed rack of WOLFE in order to actuate the platform linearly.

2.2. With respect to claim 9, McFARLAND additionally teaches a friction drive.

3. Claim(s) 11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over McFARLAND in view of POINDEXTER (US 5,651,657).

3.1. With respect to claim 11, McFARLAND fails to teach a hydraulic cylinder.

POINDEXTER teaches a hydraulic cylinder. It would have been obvious to one of ordinary skill in the art to modify McFARLAND with the hydraulic cylinder of POINDEXTER in order to have the ability to provide additional lifting capacity.

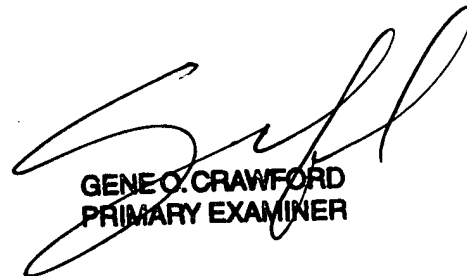
V. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.

Art Unit: 3652

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



GENE O. CRAWFORD
PRIMARY EXAMINER